

HOUSE BILL 958

By Dunn

AN ACT to amend Tennessee Code Annotated, Title 2, Chapter 5; Title 17, Chapter 1, Part 3; Title 17, Chapter 4 and Title 17, Chapter 1, Part 1, relative to judges and chancellors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-5-208(c)(3), is amended by deleting the subdivision in its entirety.

SECTION 2. Tennessee Code Annotated, Section 2-5-208(k), is amended by designating the existing language as subdivision (1) and by adding the following, to be designated as subdivision (2):

(2) The candidate receiving the highest number of votes for any one (1) grand division of the state, and the two (2) candidates receiving the highest number of votes for the "state at large", shall be declared to be the five (5) judges of the supreme court of the state; provided, that in the event the two (2) candidates receiving the highest number of votes for supreme court judge from the state at large reside in the same grand division of the state, the candidate receiving the highest number of votes shall be declared elected and the candidate receiving the second highest number of votes from a separate grand division of the state shall be declared elected.

SECTION 3. Tennessee Code Annotated, Section 17-1-103, is amended by deleting the section in its entirety and by substituting instead the following:

17-1-103.

(a) Each judge of a circuit, chancery, criminal, or other state trial court of record shall be elected to a full eight-year term of office by the qualified voters of

the judicial district or circuit, to which the judge is to be assigned, in an election held at the regular August election in 2014 and at the regular August election occurring every eight (8) years thereafter.

(b) Each judge of the supreme court or other state appellate court shall be elected to a full eight-year term of office by the qualified voters of the entire state in an election held at the regular August election in 2014 and at the regular August election occurring every eight (8) years thereafter.

(c) Each election for the office of judge of a circuit, chancery, criminal, or other state trial court of record, and the office of judge of the supreme court or of a state appellate court, shall be conducted in accordance with general election law set forth in title 2; provided, that in accordance with § 2-13-203, each political party may nominate a candidate for election to the office of the supreme court or a state appellate court; and in accordance with § 2-5-101, independent candidates may also qualify for each office.

SECTION 4. Tennessee Code Annotated, Section 17-1-301, is amended by deleting the section in its entirety and by substituting instead the following:

17-1-301.

(a) If a vacancy occurs during the term of office of any judge of a circuit, chancery, criminal, or other state trial court of record because of death, resignation, removal or other reason, then the remainder of the unexpired term shall be filled by the qualified voters of the judicial district or circuit in a contested election held at the next regular August election occurring more than thirty (30) days after the vacancy occurs. In the meantime, the governor shall appoint a person licensed to practice law in this state and constitutionally qualified to discharge the duties of the office until August 31 following the election.

(b) If a vacancy occurs during the term of office of a judge of the court of appeals, court of criminal appeals, or supreme court because of death, resignation, removal or other reason, then the vacancy shall be filled by the qualified voters of the entire state, at the next regular election in August, occurring more than thirty (30) days after the vacancy. In the meantime the governor shall appoint a person licensed to practice law in this state and constitutionally qualified to discharge the duties of the office until August 31 following the election. The vacancy shall be filled from the grand division in which the vacancy occurs.

SECTION 5. Tennessee Code Annotated, Title 17, Chapter 4, is amended by deleting the chapter in its entirety.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to each vacancy or election occurring on or after such date.